

Article - Family Law

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§5–1028.

(a) Unmarried parents shall be provided an opportunity to execute an affidavit of parentage in the manner provided under § 4–208 of the Health – General Article.

(b) The affidavit shall be completed on a standardized form developed by the Department.

(c) (1) The completed affidavit of parentage form shall contain:

(i) in ten point boldface type a statement that the affidavit is a legal document and constitutes a legal finding of parentage;

(ii) the full name and the place and date of birth of the child;

(iii) the full name of the attesting parent who did not give birth to the child;

(iv) the full name of the attesting mother of the child;

(v) the signatures of the parents of the child attesting, under penalty of perjury, that the information provided on the affidavit is true and correct;

(vi) a statement by the mother consenting to the assertion of parentage and acknowledging that:

1. the mother's cosignatory is the only possible father of the child; or

2. the mother and the mother's cosignatory consented to the conception of the child by means of assisted reproduction with the shared intent to be the parents of the child;

(vii) a statement by the individual who did not give birth to the child that:

1. the individual is the father of the child; or

2. the individual and the child's mother consented to the conception of the child by means of assisted reproduction with the shared intent to be the parents of the child; and

(viii) the Social Security numbers provided by each of the parents.

(2) Before completing an affidavit of parentage form, the unmarried parents shall be advised orally and in writing of the legal consequences of executing the affidavit and of the benefit of seeking legal counsel.

(d) (1) An executed affidavit of parentage constitutes a legal finding of parentage, subject to the right of any signatory to rescind the affidavit:

(i) in writing within 60 days after execution of the affidavit;
or

(ii) in a judicial proceeding relating to the child:

1. in which the signatory is a party; and

2. that occurs before the expiration of the 60-day period.

(2) (i) After the expiration of the 60-day period, an executed affidavit of parentage may be challenged in court only on the basis of fraud, duress, or material mistake of fact.

(ii) The burden of proof shall be on the challenger to show fraud, duress, or material mistake of fact.

(iii) The legal responsibilities of any signatory arising from the affidavit, including child support obligations, may not be suspended during the challenge, except for good cause shown.

(e) The Administration shall prepare written information to be furnished to unmarried mothers under § 4-208 of the Health – General Article concerning the benefits of having the parentage of their children established, including the availability of child support enforcement services.

(f) The Department shall make the standardized affidavit forms available to all hospitals in the State.

(g) The Secretary, in consultation with the Maryland Department of Health and the Maryland Hospital Association, shall adopt regulations governing the provisions of this section and § 4–208 of the Health – General Article.

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